

1 RAYMOND M. BUDDIE (SBN 121353)
2 RICK W. GRADY (SBN 235976)
3 TIMOTHY E. ELLIOTT (SBN 210640)
4 PECKAR & ABRAMSON, P.C.
5 455 Market Street, 21st Floor
San Francisco, California 94105
Telephone: (415) 837-1968
Facsimile: (415) 837-1320

6 Attorneys for defendants AMERICAN CASUALTY COMPANY OF READING, PA; and
NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA for the Use
11 and Benefit of WEBCOR CONSTRUCTION,
12 INC. dba WEBCOR BUILDERS, and
WEBCOR CONSTRUCTION, INC. dba
WEBCOR BUILDERS,

Case No. 3:07-CV-02564-CRB

**STIPULATION AND [PROPOSED]
ORDER TO EXTEND RESPONSE
DEADLINE**

Plaintiffs,

vs.

DICK/MORGANTI, a joint venture; DICK CORPORATION; THE MORGANTI GROUP, INC; AMERICAN CASUALTY COMPANY OF READING, PA; NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURGH, PA and DOES 1 through 10, inclusive,

Defendants.

AND ALL RELATED COUNTER-CLAIMS
AND THIRD PARTY COMPLAINTS.

The parties hereto stipulate that good cause exists to extend the time for Defendants Dick/Morganti; Dick Corporation; and The Morganti Group, Inc. (“Dick/Morganti”) to answer or otherwise respond to the Complaint filed herein by Plaintiff’s United States of America for the use and benefit of Webcor Construction, Inc.; and Webcor Construction, Inc. (“Webcor”) to and including October 26, 2007. This case arises from the complex construction project known as

1 the new U.S. General Services Administration Building in San Francisco ("Project").
 2 Dick/Morganti is the general contractor for the Project, Webcor was one of Dick/Morganti's
 3 subcontractors, and Defendants American Casualty Company of Reading, PA and National
 4 Union Fire Insurance Company of Pittsburgh, PA provided Miller Act payment bonds for the
 5 Project (the "Sureties"). The Sureties filed a Motion to Stay Webcor's Complaint on July 20,
 6 2007. On July 27, 2007, the Sureties filed a Third Party Complaint for Declaratory Relief
 7 against other subcontractors for the Project.

8 The Hearing for the Sureties' Motion was originally set for August 24, 2007. The
 9 Hearing was thereafter continued to October 19, 2007, and the Court issued a Scheduling Order
 10 for briefing the Motion for the Sureties, Webcor, and the Third Party Defendants.

11 Given the pending Motion to Stay and the Court's Scheduling Order, an extension for
 12 Dick/Morganti to answer or otherwise respond to Webcor's Complaint until October 26, 2007
 13 will save judicial resources and will not alter the date of any event or any deadline already fixed
 14 by Court order.

15

16 **AGREED TO BY:**

17

18 Dated: September 28, 2007

WEBCOR CONSTRUCTION, INC.

19 By:
 20

Richard T. Bowles
 Kenneth G. Jones
 Attorneys for WEBCOR
 CONSTRUCTION, INC.

21

22 Dated: September 28, 2007

DICK/MORGANTI

23 By:
 24

Raymond M. Buddie
 Timothy E. Elliott
 Rick W. Grady
 Attorneys for DICK/MORGANTI

1 Dated: September 28, 2007

DICK CORPORATION

2 By: _____
3 Raymond M. Buddie
4 Timothy E. Elliott
5 Rick W. Grady
6 Attorneys for DICK CORPORATION

7 Dated: September 28, 2007

THE MORGANTI GROUP, INC.

8 By: _____
9 Raymond M. Buddie
10 Timothy E. Elliott
11 Rick W. Grady
12 Attorneys for THE MORGANTI GROUP,
13 INC.

14 **IT IS SO ORDERED**

15 Dated: September , 2007

16 By: _____
17 Honorable Charles E. Breyer